

INSURANCE DIVISION[191]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 505.8 and 514D.9, Iowa Code chapter 514G, and 2008 Iowa Acts, House File 2694, section 12, the Insurance Division hereby adopts amendments to Chapter 39, “Long-Term Care Insurance,” Iowa Administrative Code.

Iowa Code chapter 514G and 2008 Iowa Acts, House File 2694, among other things, establish standards for long-term care insurance, including a mechanism for the independent review of insurance companies’ determinations regarding whether an insured has met the necessary conditions to have benefits paid. The Iowa Insurance Commissioner has the authority to adopt rules for administering the independent review process of insurers’ benefit trigger determinations, pursuant to 2008 Iowa Acts, House File 2694, section 12. The adopted rules will provide further guidance as to how the independent review process will operate. The rules will become effective January 1, 2009, and insurance producers and companies must be able to demonstrate compliance by January 1, 2009.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 24, 2008, as **ARC 7207B**. A public hearing was held on October 14, 2008, at the offices of the Iowa Insurance Division, 330 Maple Street, Des Moines, Iowa 50319. The Division received one comment in writing related to the proposed amendments. In response to the comment, the text of proposed rule 191—39.42(514G) has been changed from “The rules contained in this division shall apply to all long-term care insurance claims made on or after January 1, 2009” to “The rules contained in this division shall apply to all requests for benefit trigger determinations made on or after January 1, 2009.” No other changes were made to the Notice.

These amendments are intended to implement Iowa Code chapter 514D and chapter 514G as amended by 2008 Iowa Acts, House File 2694.

These amendments will become effective January 1, 2009.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [39.1, 39.41 to 39.55] is being omitted. With the exception of the change noted above, these amendments are identical to those published under Notice as **ARC 7207B**, IAB 9/24/08.

[Filed 10/30/08, effective 1/1/09]

[Published 11/19/08]

[For replacement pages for IAC, see IAC Supplement 11/19/08.]